

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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PETRINA HARRISON,

Plaintiff,

14 CV 7027 (SJ) (JO)

-against-

**ORDER ADOPTING
REPORT AND
RECOMMENDATION**

NATIONWIDE COLLECTIONS, INC.,

Defendants.

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A P P E A R A N C E S

EDWARD GELLER
15 Landing Way
Bronx, NY 10464
Attorney for Plaintiff

JOHNSON, Senior District Judge:

Presently before the Court is a Report and Recommendation (“Report”) prepared by Magistrate Judge James Orenstein. Judge Orenstein issued the Report on July 21, 2015, and recommended a dismissal for failure to prosecute this action commenced by plaintiff on December 3, 2014. On August 7, 2015 the attorney for plaintiff filed an objection to the Report, claiming he has been unable to contact his client since April 16, 2015 but that a copy of the Report was mailed to her. For the following reasons, the Report is hereby adopted.

A district court judge may designate a magistrate judge to hear and determine certain motions pending before the Court and to submit to the Court proposed findings of fact and a recommendation as to the disposition of the motion. See 28 U.S.C. § 636(b)(1). Within 10 days of service of the recommendation, any party may file written objections to the magistrate's report. See id. Upon *de novo* review of those portions of the record to which objections were made, the district court judge may affirm or reject the recommendations. See id. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. See Thomas v. Arn, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections may waive the right to appeal this Court's Order. See 28 U.S.C. § 636(b)(1); Small v. Sec'y of Health and Human Servs., 892 F.2d 15, 16 (2d Cir. 1989).

In this case, counsel's objection concedes that the plaintiff was not prosecuting the action or even staying in contact with her lawyer. Upon review of the recommendations, this Court adopts and affirms Magistrate Judge Orenstein's Report in its entirety. The Clerk of the Court is directed to close the case.

SO ORDERED.

Dated: November 2, 2015
Brooklyn, NY

_____/s/
Sterling Johnson, Jr., U.S.D.J.